

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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TOWNSHIP OF WALES,

Plaintiff-Appellee,

v

JAMES NOLAN, a/k/a JAMES NOLAN, JR.,  
a/k/a JIM NOLAN,

Defendant-Appellant.

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UNPUBLISHED

August 9, 2005

No. 253339

St. Clair Circuit Court

LC No. 03-002933-CE

Before: Whitbeck, C.J., and Sawyer and Fitzgerald, JJ.

PER CURIAM.

Defendant James Nolan appeals as of right the trial court's order granting plaintiff Wales Township injunctive relief. We affirm. We decide this case without oral argument pursuant to MCR 7.214(E).

I. Basic Facts And Procedural History

Wales Township filed suit alleging that Nolan violated township zoning and building code ordinances as well as statutory law by failing to obtain building permits before erecting pole barns and sheds; by maintaining horses on his property, which was zoned for residential use; and by erecting a sign on his property. Wales Township sought an order granting injunctive relief. The trial court held a hearing, found that Nolan's activities violated the ordinances and statute cited in the complaint, and entered an order enjoining Nolan from committing further violations and granting him forty-five days to correct the violations.<sup>1</sup>

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<sup>1</sup> The trial court's order is entitled "Preliminary Injunctive Order." However, because this order disposed of all claims and adjudicated the rights of the parties, it meets the definition of a final order. MCR 7.202(6).

## II. Injunctive Relief

### A. Standard Of Review

We review the trial court's decision regarding a grant of injunctive relief for an abuse of discretion.<sup>2</sup> The constitutionality of an ordinance is a legal issue that we review de novo.<sup>3</sup>

### B. Constitutional Challenge

Nolan argues that the trial court erred and abused its discretion by granting injunctive relief to Wales Township because the ordinance on which Wales Township based its complaint is unconstitutional and unenforceable. An ordinance is presumed to be constitutional, and the party challenging the constitutionality of an ordinance has the burden of proving that it is invalid.<sup>4</sup> Nolan has not cited the specific ordinance language about which he complains, and has not cited appropriate authority or policy to support his argument that Wales Township's ordinance was unconstitutional. A party's argument must be supported by citation to proper authority or policy.<sup>5</sup> A party's failure to properly address the merits of its assertion of error constitutes abandonment of the issue.<sup>6</sup> Here, Nolan has conceded that he received notice that his actions violated various ordinances, and that he continued his activities notwithstanding the notifications. Therefore, he has not demonstrated that he has raised an issue that justice requires be considered and resolved.<sup>7</sup>

Affirmed.

/s/ William C. Whitbeck  
/s/ David H. Sawyer  
/s/ E. Thomas Fitzgerald

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<sup>2</sup> See *Jeffrey v Clinton Twp*, 195 Mich App 260, 263-264; 489 NW2d 211 (1992).

<sup>3</sup> *Yankee Springs Twp v Fox*, 264 Mich App 604, 609; 692 NW2d 728 (2004).

<sup>4</sup> *Peninsula Sanitation, Inc v Manistique*, 208 Mich App 34, 38-39; 526 NW2d 607 (1994).

<sup>5</sup> MCR 7.212(C)(7); *Peterson Novelties, Inc v City of Berkley*, 259 Mich App 1, 14; 672 NW2d 351 (2003).

<sup>6</sup> *Yee v Shiawassee County Bd of Comm'rs*, 251 Mich App 379, 406; 651 NW2d 756 (2002).

<sup>7</sup> See *LME v ARS*, 261 Mich App 273, 287; 680 NW2d 902 (2004).